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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,861	02/12/2001	Bart Verhoest	AGFA1-3159	5147

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EXAMINER

EICKHOLT, EUGENE H

ART UNIT PAPER NUMBER

2854

DATE MAILED: 07/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/781,861

Applicant(s)

VERHOEST ET AL.

Examiner

Eugene H Eickholt

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3-25-03 & 6-27-03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 1,3,5,7,9 and 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,4,6,8,10 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other:

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Claims 1, 3, 5, 7, 9 and 11 stand withdrawn from further consideration pursuant to 37

CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking

WA claim. Applicant timely traversed the restriction (election) requirement in Paper No. *6 d f*.

u/s Applicant's election with traverse of *6 d f* in Paper No. *1* is acknowledged. The traversal is on

the ground(s) that no serious search burden is present. This is not found persuasive because claim 11 is a method claim requiring broader searches than the elected apparatus claims as it and claim 1 are directed to duplex printing.. Regarding the species claims, 35 USC 121 provides for one search for one invention, not free searches and examinations. Undue financial burden would be incurred as the PTO is a fee based agency if multiple inventions were examined. Moreover, this examiner's case docket is overwhelmed with complex applications stuffed with multiple inventions/species which would create extreme undue examination burden given the priority goal of a quality examination. No reasons for error in the reasons given for the election of species and restriction between apparatus and method claims have been advanced.

However, claim 12 is now being examined with the elected species claims. Otherwise, the requirement is still deemed proper and therefore made FINAL.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 2, 4, 10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Nicholls (UK2055696).

The ink applicators are identified as "ink applicators 30", the first drying section is below flame heater 35, the first transportation device includes run 26 "arranged to carry the sheets past ink applicator 30 and discharge them onto a feed conveyor 32" as set forth in the right hand column of page 2, lines 117-119.

The first path section includes a first position at the beginning of conveyor receiving section 32 and a second downstream position after guide roller 62. Between these positions are first straight portion 70 and a third straight portion 72. Fig. 3 shows elongated curved plate 58 between the above outlined first and second sections and page 3, left hand column, line 15 teaches path 56 is "partly curved" between the second and third straight sections.

Page 4, right-hand col., lines 102-104 teach air suction for conveyor 48 in place of magnets as recited in claim 4. The analysis of claim 12, a method claim is the same as claim 1.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nicholls in view of Miller et al.

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Nicholls does not show a drive separate for drum 26. The reference does refer to "high speed" for the oven conveyor 36 at page 3, right hand column, lines 124-125.

Miller et al teaches independent zone drive controls for the printing area 98-106, see col. 4, lines 37-45, and the conveyor for the copy sheets in zone 4. (See lines 46-48).

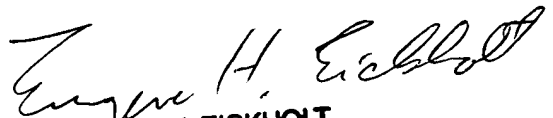
At the time of applicant's invention it would have been obvious to one of ordinary skill in the printing art to have zone drive controlled independently the drives of the Nicholls drum 26 and subsequent conveyor belt drives. Motivation is explicitly taught by Miller et al to provide sheet jam control. See col. 2, lines 5-13. Regarding claim 8, note the teaching of an ink jet for such a jam zone control system in Miller et al at col. 2, lin 59. Motivation for using an ink jet printer as the printer in Nicholls would be the variable format for printing indicia such printers provide.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A shortened statutory period of 3 months is set to respond.

Eickholt/ek

07/29/03


EUGENE H. EICKHOLT
PRIMARY EXAMINER